

REMARKS

Claims 1, 6, 10, 12, 16, 19-21, 26, 27, 32 and 33 are pending in this application. By this Amendment, claims 1, 6, 10, 12, 19-21, 26, 27, 32 and 33 are amended and claims 5, 7-9, 11, 14, 15, 17, 18, 22-25, 28-31 and 34-36 are cancelled.

In particular, claim 1 includes features recited in previous claims 1, 7, 8 and 19-21, claim 12 includes features recited in previous claims 12, 15, 17, 26, 27 and 29, claim 19 includes features recited in previous claims 1, 5, 7, 9 and 19-21, claim 26 includes features recited in previous claims 12, 15, 18, 26-28, 30 and 31, claim 32 includes features recited in previous claims 32, 34 and 36, and claim 33 includes features recited in previous claims 32, 33 and 35.

Entry of the Amendment is proper under 37 CFR §1.116 since the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not add any additional claims; and (d) places the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

It is also requested that the Examiner withdraw the After Final status as premature because there is no basis for applying the After Final status at this time. As clearly stated in MPEP § 706.07(b), "The claims of a new application may be finally rejected in the first Office Action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application." (emphasis added)

On April 23, 2004, a Request for Continued Examination was filed requesting entry and consideration of the Amendment filed April 23, 2004. The Amendment was responsive

to the Office Action mailed December 2, 2003. In the Amendment filed April 23, 2004, 12 out of 14 claims were amended. Furthermore, 18 claims were added. As such, all of the claims that were pending as of the filing of the Amendment on April 23, 2004 were not drawn to the same invention claimed when the Office Action was mailed on December 2, 2003.

In other words, the new claims can not be drawn to the same claimed invention when almost all of the old claims are amended. Also, all of the new claims can not be drawn to the same claimed invention when 18 new claims are added to the old claims (in this regard, the total number of claims more than doubled).

As such, the Office Action can not issue a first action Final Rejection because there is no basis under MPEP § 706.07(b) to issue such a rejection. It is thus requested that the Amendment be entered and the After Final status be withdrawn.

Claims 1, 5-12 and 14-36 were rejected under 35 U.S.C. §102(b) over Klaue, U. S. Patent No. 4,727,764. The rejection is respectfully traversed.

Klaue fails to disclose a range shift display unit or method wherein a portion of the display corresponding to the target range is made to blink until the shift position has reached the shift position for the target range during the first driving method, as recited in claims 1, 12 and 32. Klaue also fails to disclose a range shift display unit or method, wherein portions of the display for transient ranges is made to blink until the shift position has reached the shift position for the target range during the at least two driving methods, as recited in claims 19, 26 and 33.

Klaue discloses a digital display 49, wherein during the axial movement of the gearshift rod 43, the driver is informed of the momentary position of the gearshift rod 43 through the digital display 49 (Fig. 4 and col. 5, lines 59-63). A warning signal, indicated by the indicator light 49a, informs the driver during the shift operation that a synchronization of the selected speed is not yet completed (col. 5, lines 63-66). In order to avoid unnecessarily

long synchronization times in shifting down and to aid the driver in selecting a lower speed, the microprocessor causes the blinking, on another digital display, of the number of the lowest possible gear in which the input end of the transmission will not overspeed (col. 5, line 67 - col. 6, line 3). After the driver has moved the gearshift rod 43 to the lowest possible gear, as determined by the microprocessor, and after the synchronization has been completed, the warning signal 49a is extinguished (col. 6, lines 9-41).

Klaue also discloses, in another embodiment, a digital display 49 that starts blinking the number of the lowest possible gear (col. 7, lines 40-45). When the shift operation is completed, the digital display displays now permanently the number of the newly engaged gear (col. 8, lines 26-29). Like the first embodiment, the digital display 49 informs a driver of the momentary position of the gearshift rod 43 and another section of the digital display 49 blinks the number of the lowest possible gear.

Accordingly, when the driver moves the gearshift rod 43, the digital display 49 always informs the driver of the momentary position of the gearshift rod 43 (i.e., the target range selected by the driver). It is only this portion of Klaue's digital display 49 that informs the driver of the momentary position of the gearshift rod 43 that corresponds to Applicants' portion of a display corresponding to the target range selected by the driver. Klaue fails to provide any disclosure with regard to the blinking of the display 49 or using at least two driving methods to inform the driver where the gearshift rod 43 is engaged at a given momentary position. In other words, a portion of the digital display 49 corresponding to the target range selected by the driver (i.e., the speed selected by the driver by moving the gearshift rod 43) is only driven by one driving method in Klaue.

Applicants submit that the indicator light 49a that is used to indicate a warning signal and the other display that indicates the number of the lowest possible gear in which the input end of the transmission will not overspeed are not portions of a display that correspond to the

target range selected by the driver. The speed selected by the driver by moving the gearshift rod 43 in Klaue corresponds to a target range selected by the driver. Logically, the portion of the display 49 that informs the driver of the selected speed is the only portion of the display corresponding to the target range selected by the driver. The indicator light 49a and the other display are not portions of a display that correspond to the target range selected by the driver. The indicator light 49a and the other display do not inform the driver of the gearshift rod 43 position.

In fact, the indicator light 49a and the other display are driven based on a selection by the microprocessor. The indicator light 49a is operated when the microprocessor determines that synchronization of the selected speed is not yet completed. The other display is operated when the microprocessor determines the lowest possible gear. As such, the indicator light 49a and the other display are portions of a display corresponding to a range selected by the microprocessor and not by the driver.

Finally, the display 49, the indicator light 49a and the other display are not a plurality of portions corresponding to each range as required by claims 1, 12, 19, 26, 32 and 33. The display only indicates the current position of the gearshift rod 43 and thus does not include a plurality of portions corresponding to each range. The indicator light 49a and the other display are driven based on a selection by the microprocessor.

As such, Klaue fails to disclose all of the features recited in claims 1, 12, 19, 26, 32 and 33 as well as the additional features recited in the dependent claims.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 6, 10, 12, 16, 19-21, 26, 27, 32 and 33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: October 27, 2004

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